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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN DOE, aka
PEDRO MONTELONGO aka
HORACIO ACEVEDO VALDIVIA,

Defendant.

2:15-mj-01103-CWH

Stipulation to Continue the
Preliminary Hearing

First Request

IT IS HEREBY STIPULATED AND AGREED, by and between DANIEL G. BOGDEN, United States Attorney, and KIMBERLY M. FRAYN, Assistant United States Attorney, counsel for the United States of America, and ROBERT M. DRASKOVICH, ESQ., counsel for defendant JOHN DOE that the preliminary hearing date in the above-captioned matter, currently scheduled for December 30, 2015, at 4:00 pm, be vacated and continued for sixty (60) days, to a date and time to be set by this Honorable Court.

This stipulation is entered into for the following reasons:

1. The parties request a continuance of the preliminary hearing so they may

1 engage in pre-indictment plea negotiations, which may eliminate the need for a
2 preliminary hearing or an indictment.

3 2. The parties agree to the continuance.

4 3. The defendant is incarcerated and but does not object to the continuance.

5 4. Additionally, denial of this request for continuance could result in a
6 miscarriage of justice.

7 5. The additional time requested herein is not sought for purposes of delay,
8 but to for a possible pre-indictment resolution of the case.

9 6. The additional time requested by this stipulation, is allowed, with the
10 defendant's consent under the Federal Rules of Procedure 5.1(d).

11 7. This is the first request for a continuation of the preliminary hearing.

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13 DATED this 23rd day of December, 2015.

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16 Respectfully submitted,
DANIEL G. BOGDEN
United States Attorney

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18 //s//
ROBERT M. DRASKOVICH, ESQ.
19 Counsel for Defendant JOHN DOE

20 //s//
KIMBERLY M. FRAYN
21 Assistant United States Attorney
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

3:15-mj-01103-CWH

Plaintiff,

ORDER

vs.

JOHN DOE, aka
PEDRO MONTELONGO aka
HORACIO ACEVEDO VALDIVIA,

Defendant.

ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. That the parties seek to continue the preliminary hearing in order to engage in pre-indictment plea negotiations, which may eliminate the need for a preliminary hearing or an indictment.

2. That the parties agree to the continuance.

3. That the defendant is incarcerated but does not object to the continuance.

4. Additionally, that denial of this request for continuance could result in a miscarriage of justice.

5. That the additional time requested herein is not sought for purposes of delay, but to allow for a possible pre-indictment resolution of the case.

7. This is the first request to continue the preliminary hearing date filed herein.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the preliminary hearing date.

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein to potential resolve the case prior to indictment, and further would deny the parties sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the preliminary hearing, and possibly resolve the case prior to the preliminary hearing, taking into account the exercise of due diligence.

The continuance sought herein is allowed, with the defendant's consent, pursuant to Federal Rules of Procedure 5.1(d).

IT IS THEREFORE ORDERED that the preliminary hearing currently
scheduled for December 30, 2015, at the hour of 4:00 pm, be vacated and continued to
March 7, 2016
at the hour of 4:00 p.m.

DATED 23rd day of December, 2015.

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